IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.13829 of 2006

DATE OF DECISION: August 31, 2006

Pawan Kumar Singla

….Petitioner

VERSUS

State of Punjab and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S.BHALLA

PRESENT: Shri Amrik Singh, Advocate for the petitioner.

Viney Mittal,J.(Oral).

Notice of motion to the respondents.

On the asking of Court, Shri B.S.Chahal, Assistant Advocate General, Punjab accepts notice on behalf of the respondents.

Copies of the writ petition have been supplied to the learned counsel for the respondents.

The petitioner has challenged the order dated May 9,2006 (Annexure P.4) whereby the pay of the petitioner has been ordered to be refixed and a recovery has been ordered against him after withdrawing the benefit of two increments granted to him on attaining the qualification of AIME. It has been maintained by the petitioner that before the aforesaid action had been taken and the

impugned order passed, neither any opportunity of hearing was granted to the

petitioner nor any show cause notice was served . Consequently, it has been maintained that the aforesaid action of the respondents is in violation of the principles of natural justice.

After taking into consideration the averments made in the present petition and on perusal of the order Annexure P.4, we find that the grievance made by the petitioner is wholly justified.

Consequently, we allow the present petition and quash the order dated July 19,2006 (Annexure P.4).

However, the respondents would be at liberty to pass a fresh order against the petitioner, if so advised, after issuing a show cause notice to the petitioner at the first instance after taking into consideration the replies so filed by the petitioner.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

August 31,2006
KD

(H.S. Bhalla)
Judge